

ARTICLE VII

REGISTRATION, NOMINATIONS AND ELECTIONS

Section 701. Qualifications of Voters

Every person who (a) is a citizen of the United States, (b) is at least eighteen (18) years of age, (c) has resided within the corporate limits of the Town for thirty (30) days, and (d) is registered in accordance with the provisions of this Charter, shall be a qualified voter of the Town. Every qualified voter of the Town shall be entitled to vote at any or all Town elections.

Section 702. Board of Supervisors of Elections

There shall be a Board of Supervisors of Elections, consisting of three (3) members who shall be appointed by the Mayor with the approval of the Council on or before the first Monday in April. The terms of members of the Board of Supervisors of Election shall begin on the first Monday in April in the year in which they are appointed and shall run for one (1) year. Members of the Board of Supervisors of Elections shall be qualified voters of the Town and shall not hold or be candidates for any elective office during their terms of office. The Board shall appoint one of its members as Chairman. Vacancies on the board shall be filled by the Mayor with the approval of the Council for the remainder of the unexpired term. The compensation of the members of the Board shall be determined by the Council.

Section 703. Removal

Any member of the Board of Supervisors of Elections may be removed for good cause by the Council. Before removal, the member of the Board of Supervisors of Elections to be removed shall be given a written copy of the charges for removal. There shall be a public hearing on the charges before the Council if the member of the Board requests within ten (10) days after receiving the written copy of the charges.

Section 704. Duties

The Board of Supervisors of Elections shall be in charge of nominations and all Town elections. The Board may appoint election clerks or other employees to assist it in any of its duties, but no salary, expenses, or other compensation shall be paid to such appointees except as provided by the Council. The Board shall be the judge of the election and qualifications of its members.

Section 705. Notice of Elections

The Board of Supervisors of Elections shall give at least two (2) weeks notice of every election by an advertisement published in at least one newspaper of general circulation in the Town and by posting a notice thereof in some public place or places in the Town.

Section 706. Appeal of the Actions of the Board of Supervisors of Elections

If any person shall feel aggrieved by the action of the Board of Supervisors of elections by any action, such person may appeal to the Council. Any decision or action of the Council upon such appeals may, in turn, be appealed to the Circuit Court for Montgomery County within thirty (30) days of the decision or action of the Council.

Section 707. Registration

Registration by a resident with the Montgomery County Board of Supervisors of Elections shall be deemed registration for Town elections, provided that the application for such registration is received by the Montgomery County Board of Supervisors of Elections no later than 9:00 p.m. on the fifth Monday prior to an election. The Kensington Board of Supervisors of Elections shall accept the list of registered voters provided by the Montgomery County Board of Supervisors of Election as a valid registration list for the Town. Registration of voters shall be permitted in the Town offices during regular office hours every day such offices are open, to develop a supplemental list of registered voters, and at such other times and places as the Council may establish from time to time. Town registration books shall be closed on the last Tuesday in May prior to the Town election. The Board of Supervisors of Elections shall keep the Town supplemental registration lists up to date by striking from the lists any persons who have died, who have moved out of the Town, or who has not voted in a Town election within the five preceding calendar years. The Council, by ordinance, shall adopt and enforce any provisions necessary to establish and maintain a system of permanent registration and provide for re-registration when necessary.

Section 708. Nominations

Persons may be nominated for elective office in the Town by filing a certificate of nomination at the office of the Board of Supervisors of Elections on or before the second Monday in May preceding the Town election. No person shall file for nomination to more than one elective Town public office or to hold more than one elective Town public office at any one time.

Section 709. Election of the Mayor and the Council Members

On the first Monday in June in every even numbered year, the voters of the Town shall elect the Mayor and two (2) persons as Council Members. On the first Monday in June in every odd numbered year, the registered voters of the Town shall elect two (2)

persons as Council Members. The Mayor and the Council Members shall serve for terms of two (2) years.

Section 710. Conduct of Elections

It is the duty of the Board of Supervisors of Elections to provide for each special and general election a suitable place or places for voting and suitable ballot boxes and ballots and/or voting machines. The ballots and/or voting machines shall show the name of each candidate nominated for elective office in accordance with the provisions of this Charter, arranged in alphabetical order by office with no party designation of any kind. The Board of Supervisors of Elections shall keep the polls open from 6:00 p.m. to 9:00 p.m. on election days or for longer hours if the Council requires it. The Board of Supervisors of Elections shall provide for absentee ballots.

Section 711. Special Elections

A special election may be called by a vote of the majority of the Town Council. All special Town elections shall be conducted by the Board of Supervisors of Elections in the same manner and with the same personnel, as far as practicable, as regular Town elections.

Section 712. Vote Count

Within twenty-four (24) hours after the closing of the polls, the Board of Supervisors of Elections shall determine the vote cast for each candidate or question and shall certify the results of the election to the Mayor of the Town who shall order the results recorded in the minutes of the Council. The candidate for Mayor with the highest number of votes in the general election shall be declared elected as Mayor. The two (2) candidates for Council Members with the highest number of votes in the municipal election shall be declared elected as Council Members.

Section 713. Preservation of Ballots

All ballots used in any Town election shall be preserved for at least six (6) months from the date of the election.

Section 714. Vacancies

In the case of a vacancy for any reason in the position of Council Member which occurs ninety (90) days or more prior to the expiration of the term, a special election shall be called within sixty (60) days to fill such vacancy for the unexpired term. In the case of any such vacancy, which occurs less than ninety (90) days prior to the expiration of the term, the vacancy for the unexpired term shall be filled at the next general election, provided that such term shall not expire on the second Monday after such election. In the event that the next general election is in an odd numbered year, the term of the Mayor elected at such time shall be one year.

In the case of a vacancy in the office of Mayor for any reason, which occurs ninety (90) days or more prior to the expiration of the term, a special election shall be called within sixty (60) days to fill such vacancy for the unexpired term. In the case of any such vacancy which occurs less than ninety (90) days prior to the expiration of the term, the vacancy for the unexpired term shall be filled at the next general election, provided that such term shall not expire on the second Monday after such election.

Section 715. Regulation and Control by Council

The Council shall have the power to provide by ordinance in every respect not covered by the provisions of this Charter for the conduct of registration, nomination, and Town elections and for the prevention of fraud in connection therewith, and for a recount of ballots in case of doubt or fraud.

Section 716. Penalties

Any person who (a) fails to perform any duty required of them under the provisions of this subtitle or any ordinances passed thereunder, (b) in any manner willfully or corruptly violates any of the provisions of this subtitle or any ordinances passed thereunder, or (c) willfully or corruptly does anything which will tend to affect fraudulently any nomination, or Town election, shall be deemed guilty of a misdemeanor. Any Council Member, officer, or employee of the Town government who is convicted of a misdemeanor under the provisions of this section shall immediately upon conviction thereof cease to hold such office or employment.

Section 717. Recall of Elected Officials

The Mayor or a Council Member may be recalled or removed from office for failure to uphold the oath of office, malfeasance, misfeasance or nonfeasance in office, in accordance with the following procedure:

- (a) A petition stating specifically the justification for removal, signed by at least 30 percent (30%) of the registered voters of the Town, must be presented to the Council at a regular Town meeting stating a desire to have the named Town official subjected to reaffirmation by a vote of the electorate. A petition shall name only one Town official subject to recall. The registered Town voters shall sign said petition and under each signature shall be typed or printed each petitioner's name and address. At the bottom of each page of the petition, the individual circulating the petition shall sign the same and make an affidavit before a notary public that he or she circulated the petition and saw each individual whose name appears thereon sign the same in his or her presence.

- (b) Upon receipt of said petition, the Council shall forthwith refer the petition to the Board of Supervisors of Elections for verification of the appropriate number of registered voters' signatures and addresses. The Board of Supervisors of Elections shall return said petition with their written findings as to registered voters and addresses to the Council at its next regular meeting; and at this meeting, if the petition is authenticated, the Council shall announce that within forty-five (45) days a special election will be held in order to allow all registered voters of the Town of vote on the petition.
- (c) The voting ballot will contain the official's name and the choice of "reaffirm" or "remove". In order for the official to be removed, two thirds of those voting must vote "remove".
- (d) The voting will be conducted in the same manner as prescribed herein for regular Town elections, and, if removal results, the vacancy will be filled as herein prescribed.